

### COMMUNICATION

The reply filed on 11/16/2007 is not fully responsive to the prior Office Action because a complete reply must include a listing of all claims readable on the elected species, including any claims subsequently added in accordance with MPEP § 809.02(a) (e.g., see 7/16/2002 Restriction, page 20, paragraph 33).

It is again acknowledged that applicant has elected the following species without traverse: beta-lactamase is TEM-1; junction is E197 and L 198. And further it is noted that applicants have elected Subgroup 14: fusion protein comprised of bacterial signal peptide, linker (Gly4Ser)<sub>3</sub> in the response filed on 8/29/03.

However a listing of the new claims (98-99) readable on all of the elected species is missing. See also page paragraph 34 of the restriction requirement mailed 7/16/2002.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Gross whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on 571 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross  
Examiner  
Art Unit 1639

CG

//Mark L. Shibuya, Ph.D.//

Primary Examiner, Art Unit 1639